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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20555

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the Existing)
Television Broadcast Service)

MM Docket No. 87-268

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PETITION FOR CLARIFICATION AND PARTIAL RECONSIDERATION
OF THE SIXTH REPORT AND ORDER
SUBMITTED BY PULITZER BROADCASTING COMPANY

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**Executive Summary of Petition for Clarification and
Partial Reconsideration of the Sixth Report and Order
filed by Pulitzer Broadcasting Company
in MM Docket No. 87-268**

Pulitzer Broadcasting Company ("Pulitzer"), does not seek to substitute alternative DTV channels for those assigned to its stations in the Sixth Report and Order. However, Pulitzer respectfully requests that the Commission clarify and reconsider four specific issues regarding the rules it adopted in the April 21, 1997, Sixth Report and Order in above-referenced docket. First, because the NTSC service of at least two Pulitzer stations is at risk of serious degradation during the transition from interference from new DTV channel assignments, Pulitzer requests that, subject to two-year reviews, the Commission adopt temporary "caps" during the transition on the transmission power or antenna height of DTV stations that cause interference to NTSC stations. These temporary caps on transmission power or antenna height, if implemented in the manner described herein, would mitigate much of this DTV-to-NTSC interference during the transition.

Second, Pulitzer requests clarification that the new rules will be interpreted to ensure that adequate service replication will in fact be achievable at the end of the transition. It appears that much lower degrees of replication may be practically achievable than is suggested in the Sixth Report and Order during the transition. At the end of the transition, DTV stations should be permitted to increase their authorized DTV transmission power and/or antenna height, to

achieve replication, with either directional or omni-directional antenna patterns.

Third, Pulitzer seeks reconsideration of the decision to postpone the identification of the post-transition core spectrum and, instead, to include the lower VHF channels in the post-transition core. By adopting a core comprised of Channels 2-46, a significantly greater number of stations with initial DTV channel assignments outside the transition core (i.e., Channels 2-51) will be able to switch to their existing NTSC channels at the end of the transition than they would if the core comprised of Channels 7-51. In addition, Pulitzer urges the Commission to adopt rules providing for full compensation of displaced stations to cover the costs of relocating to a second DTV channel at the end of the transition.

Finally, Pulitzer seeks reconsideration of the Commission's decision to assign a DTV channel to television satellite station KOFT(TV) at Gallup, New Mexico, instead of Farmington, New Mexico, the location where construction of the NTSC station is planned. Granting this request would not only result in greater certainty for all stations and eliminate the need for additional proceedings, but would also be consistent with the Commission's policy of expediting DTV service and maximizing administrative efficiency.

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact Upon the)
Existing Television Broadcast)
Service)

**PETITION FOR CLARIFICATION AND PARTIAL RECONSIDERATION OF
THE SIXTH REPORT AND ORDER
SUBMITTED BY PULITZER BROADCASTING COMPANY**

1/ Pulitzer, either directly or through wholly-owned subsidiaries, is the licensee of the following television broadcast stations: WDSU, New Orleans, LA; WESH, Daytona Beach, FL; WGAL, Lancaster, PA; WLKY, Louisville, KY; WXII, Greensboro, NC; WYFF, Greenville, SC; KCCI, Des Moines, IA; KETV, Omaha, NE; and KOAT, Albuquerque, NM. In addition, Station KOAT operates satellite television stations KOCT, Carlsbad, NM and KOVT, Silver City, NM, and is the permittee for Station KOFT, Gallup, NM.

3/ Pulitzer and its stations have participated in previous phases of this proceeding either as signatories to joint broadcaster submissions, or through the filing of separate comments.

Clarification and Partial Reconsideration of the Fifth and Sixth Reports and Orders Submitted by the Association for Maximum Service Television, Inc. and Other Broadcasters" ("MSTV Petition") filed simultaneously with this Petition. Pulitzer supports the Commission's decision in the Sixth Report and Order, adopting a nationwide DTV Table of Allotments and Assignments (the "new DTV Table"), and hopes that the issues raised herein and in the MSTV Petition can be resolved expeditiously to facilitate a smooth transition to digital television ("DTV").

I. INTRODUCTION AND SUMMARY

In the Sixth Report and Order, all of the Pulitzer stations were deemed eligible to receive DTV channel assignments^{4/} and DTV channel assignments were made to each station.^{5/} Pulitzer has decided to embrace all of its DTV channel assignments, and is not seeking to substitute alternative DTV channel assignments for those assigned in the new DTV Table. This decision does not reflect a high degree of satisfaction with the DTV channel assignments, or a high degree of confidence that adequate replication of NTSC service will be achieved without

4/ Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket No. 87-268, FCC 97-116, 62 Fed. Reg. 26966, Appendix E (released April 21, 1997) ("Fifth Report and Order").

5/ Pulitzer DTV channel assignments include WDSU, DTV Channel 43; WESH, DTV Channel 11; WGAL, DTV Channel 58; WLKY, DTV Channel 26; WXII, DTV Channel 31; WYFF, DTV Channel 59; KCCI, DTV Channel 31; KETV, DTV Channel 20; KOAT, DTV Channel 21, KOCT, DTV Channel 19; KOVT, DTV Channel 12; and KOFT, DTV Channel 8. Sixth Report and Order, Table 1 at Appendix B.

changes in authorized transmission power, authorized antenna height, or other operating parameters under the new rules. Pulitzer's acceptance of the DTV channel assignments is borne of its commitment to expedite DTV service to the American public and is done in the spirit of making the best of a difficult situation -- a relatively adverse situation for some Pulitzer stations -- created in large part by the Commission's decision to favor spectrum recovery goals over the future technical quality of broadcast television service.

While Pulitzer embraces its DTV channel assignments, it seeks clarification and reconsideration of four specific issues. First, in the case of at least two Pulitzer stations, NTSC service during the transition is at risk of serious degradation from interference from the new DTV channel assignments made to other stations. Pulitzer seeks reconsideration of the new rules and urges adoption of additional rules that would mitigate DTV-to-NTSC interference during the transition. Second, there are significant issues related to the assignment/allotment methodology that may result in much lower amounts of replicated service for Pulitzer and other stations than suggested by the statistics set forth in the Sixth Report and Order. Accordingly, Pulitzer seeks clarification that the new rules will be interpreted by the Commission to ensure that adequate replication will in fact be achievable at the end of the transition. Third, a failure to include the lower VHF channels in the core spectrum available for DTV use after the transition may result in

substantial hardship to an arbitrary set of stations (such as Pulitzer's WYFF-TV, Greenville, South Carolina, DTV Channel 59) which would be displaced from their initial DTV assignments at the end of the transition. Pulitzer seeks reconsideration of the Commission's decision to postpone the identification of the post-transition core spectrum, and urges the Commission to include the lower VHF channels in the post-transition core. Moreover, Pulitzer advocates the adoption of rules providing for compensation of displaced stations for their relocation costs at the end of the transition. Finally, Pulitzer seeks reconsideration of the Commission's decision to assign a DTV channel to television satellite station KOFT(TV) at Gallup, New Mexico, instead of Farmington, New Mexico, the location where construction of the NTSC station is planned.

II. TEMPORARY CAPS ON DTV TRANSMISSION POWER OR ANTENNA HEIGHT, SUBJECT TO TWO-YEAR REVIEWS, WOULD MITIGATE DTV-TO-NTSC INTERFERENCE DURING THE TRANSITION AND WOULD BE IN THE PUBLIC INTEREST.

As described in the Engineering Statements of John F.X. Browne, P.E. regarding Pulitzer stations WLKY, Louisville, Kentucky, and WGAL, Lancaster, Pennsylvania, attached hereto as Appendix A and Appendix B respectively (the "Browne WLKY Engineering Statement" and the "Browne WGAL Engineering Statement", respectively), certain DTV channel assignments in the new DTV Table will cause substantial new interference to the NTSC service of these stations. In the case of WLKY, 30% of its existing NTSC coverage area, some 4,682 square kilometers of

coverage, will be lost to harmful interference from new DTV stations.^{6/} While five DTV channel assignments of other stations contribute to this situation, one of the DTV channel assignments accounts for approximately 62% of the NTSC service loss.^{7/} Similarly, in the case of WGAL, approximately 600 square kilometers of NTSC service will be lost due to DTV-to-NTSC interference from two DTV Channel 8 assignments: (1) WMBC, Newton, New Jersey; and (2) WICZ, Binghamton, New York.^{8/}

This new NTSC interference and resulting loss of coverage to Stations WLKY and WGAL would likely have real and measurable adverse impacts on revenues. In addition, there would likely be a harsh disenfranchisement of affected NTSC television viewers. These two negative externalities of the new DTV Table are not in the public interest. Firstly, the record in this proceeding demonstrates that the transition to DTV for existing broadcasters will be quite costly.^{9/} Television broadcasters will rely heavily upon the revenues of their existing television

6/ Browne WLKY Engineering Statement at Appendix A p.1.

7/ According to the Browne WLKY Engineering Statement, the interference to WLKY's NTSC signal is caused by the DTV channel assignments of WNDY (DTV Channel 32), Marion, IN; WPSD (DTV Channel 32), Paducah, KY; WKRC (DTV Channel 31), Cincinnati, OH; and WSTR (DTV Channel 33), Cincinnati, OH.

8/ Browne WGAL Engineering Statement at Appendix B, p.1.

9/ See Memorandum Opinion and Order/Third Report and Order/Third Further Notice of Proposed Rule Making in MM Docket No. 87-268, FCC 92-438 (Oct. 16, 1992), ¶29, and note 191 (and comments cited therein). See also "Broadcast Television in a Multichannel Marketplace," OPP Working Paper No. 26, DA 91-817 (June 27, 1991).

operations during the DTV transition to finance the acquisition of DTV transmission and production equipment and, DTV programming, and to pay related expenses. Therefore, the continued economic vitality of current NTSC stations is essential to a successful and rapid transition to DTV. Secondly, even if the most wildly optimistic estimates of consumer acceptance of DTV come to pass, substantial segments of the television audience will continue to rely on free, local television broadcasting in analog form for many years to come. The arbitrary and capricious removal of NTSC television service from segments of the public is not in the public interest.

The Commission could avoid or ameliorate these negative externalities by adopting temporary limits or "caps" on the transmission power or antenna height of the offending DTV stations.^{10/} As the Browne WLKY Engineering Statement states, "much of this interference can be mitigated through temporary power reductions. . ."^{11/} The amount of the power or height reduction could be determined by the Commission, or it could become the subject of negotiation between stations. In any event, a Commission determination of the cap would be necessary as DTV stations would have little, if any, incentive to negotiate with the NTSC licensee, unless the Commission imposes some

^{10/} The Commission has the discretion to adopt such caps without further notice or public comment in this proceeding as such caps are within the scope of matters addressed in previous notices of proposed rule making and responsive comments and reply comments filed by interested parties.

^{11/} Browne WLKY Engineering Statement at Appendix A, p.2.

objective requirement in the form of a mandatory cap if the parties do not agree.

If such caps were to be applied in all situations in which DTV-to-NTSC interference is predicted in the new DTV Table, the necessity for such caps would likely be pervasive in the new DTV Table. However, such caps do not necessarily need to be applied by the Commission in all instances of predicted DTV-to-NTSC interference. The proposed caps may be applied much more narrowly, e.g., only in instances where an affected NTSC station formally objects to the DTV interference.^{12/} Certainly, in instances where the NTSC station objects to the interference, and it is evident that such interference is not de minimus, the Commission should consider such temporary caps to prevent DTV-to-NTSC interference. There are few, if any, other feasible solutions to the problem of DTV-to-NTSC interference during the transition, given the Commission's basic spectrum assumptions for design of the new DTV Table.^{13/}

Temporary caps of this type would be consistent with the Commission's general policy regarding DTV service to the public during the transition. The new rules do not initially

^{12/} Indeed, not all predicted DTV-to-NTSC interference is likely to be significant.

^{13/} The Browne WLKY Engineering Statement suggests that an alternative channel allotment for WAVE in lieu of DTV Channel 47, or requiring WAVE to colocate its DTV facility with WLKY, could ameliorate some of the interference. See Id., Appendix A, p.2. However, while these steps would address critical interference to highly populated metropolitan areas of Louisville (WLKY's community of license), they would not address the other areas of interference.

require DTV licensees to construct DTV facilities that result in maximum replication of their existing NTSC coverage areas. Instead, DTV licensees may propose initial facilities in their applications from that will provide DTV service to the community of license.^{14/} Accordingly, by implication, the Commission has determined that the public interest is served when DTV service is initially provided only to a station's community of license. Temporary caps of the type advocated herein could be created so as not to impair any DTV station from coverage of its community of license.

These temporary caps, if adopted, should be subject to the Commission's biennial reviews of DTV policies and rules.^{15/} At the beginning of the transition, virtually no audience for DTV broadcasts will exist. Under these circumstances, the only meaningful result of DTV-to-NTSC interference would be the reduction of NTSC television service to the public. Therefore, the proposed caps would not carry any significant cost in reduced television service to the public in the early years of the transition. As the DTV audience grows and evidence of its growth becomes part of the record of the biennial reviews, the Commission would be free to relax the caps to permit expanded DTV service where circumstances may justify. Such an approach would

14/ Fifth Report and Order, ¶ 74.

15/ The Commission indicated that it will conduct such reviews to "permit careful monitoring of the development of digital television and an opportunity to reassess the decisions." Fifth Report and Order, ¶ 7.

provide a rational basis for the Commission's decision to reduce NTSC service during the transition.

**III. THE NEW RULES SHOULD ENSURE THAT A DTV STATION CAN
EVENTUALLY REPLICATE AT LEAST THE GRADE B CONTOUR OF THE
NTSC STATION.**

The new DTV Table is said to be based, among other things, on the principle of replication of existing broadcast service areas.^{16/} The Commission decided that DTV allotments which replicate the service areas of existing stations offer important benefits to both viewers and broadcasters.^{17/} This approach ensures that broadcasters have the ability to reach the audiences that they now serve and that viewers have access to the stations that they can now receive over-the-air. However, the implementation of this principle in the new DTV Table has been impaired by a key technical assumption -- the directional nature of the DTV antenna to be used to achieve the predicted replication.

As described in the Engineering Statement of John F.X. Browne, P.E., attached hereto as Appendix C (the "Browne Engineering Statement"), the new DTV Table appears to be based on a directional antenna pattern for each new DTV allotment.^{18/} This directional antenna pattern does not necessarily match the antenna pattern currently in use by each NTSC station. Consequently, if the assumed directional pattern of the new DTV

^{16/} Sixth Report and Order, ¶ 3.

^{17/} Id. ¶ 29.

^{18/} Browne Engineering Statement, Appendix C, p.1.

channel assignment cannot practically be implemented, i.e., a directional antenna installation which matches the pattern assumed in the applicable DTV channel assignment in new DTV Table is not commercially available, then the station may suffer a "penalty" in excess of 3 dB of the authorized maximum transmission power in the new DTV Table.^{19/} A 3 dB penalty would result in a 50% reduction in the authorized power, and may seriously compromise a station's ability to achieve an adequate degree of replication during and after the transition.

It appears that some stations currently operating omni-directional NTSC antennas will be forced to operate their DTV facilities at drastically less DTV transmission power than is authorized in the new DTV Table during the transition, if a directional DTV antenna pattern is not achievable.^{20/} According to the Browne Engineering Statement, "the required directional antenna characteristics will, in most cases, not match standard or practically achievable patterns from manufacturers."^{21/} Six Pulitzer stations would be affected in this manner. For example, the maximum DTV transmission power for KOAT (Channel 21), Albuquerque, New Mexico, utilizing an omni-directional antenna

^{19/} Browne Engineering Statement, Appendix C, p.2.

^{20/} This would be necessary for reasons set forth in the Browne Engineering Statement. It appears that an application for modification of the DTV construction permit would be required to implement an omni-directional antenna. Such an application would be granted only if no new interference to NTSC stations or new DTV channel assignments would result.

^{21/} Id.

would be less than half of the maximum authorized power in the new DTV Table.^{22/} Similarly, WLKY, Louisville, would appear to be limited to only 128.5 Kilowatts of the authorized maximum 153 Kilowatts, if an omni-directional antenna were utilized.^{23/} It is doubtful that a high degree of replication can be achieved at these reduced power levels.

On average, half of the constraints on the use of DTV omni-directional antennas for these stations result from the need to protect NTSC stations from interference. Accordingly, Pulitzer requests that the Commission clarify that at the end of the transition, DTV stations will be permitted to increase their authorized DTV transmission power and/or antenna height, up to, or beyond, the maximum limits set forth in the rules, 47 C.F.R. § 73.622(f), to a level sufficient to achieve the amount of replication predicted in the new DTV Table, with either a directional or an omni-directional antenna. Where increases in DTV transmission power or antenna height are to be implemented at the end of the transition for initially eligible DTV stations, the limiting factor should be protection of only the portion or portions of DTV service areas of other stations that replicate their former NTSC service, or the Grade B Contour of the former NTSC station, whichever is larger. This policy would ensure the

^{22/} The new DTV Table provides authority for 88.2 Kw at 1292 meters (HAAT). The Browne Engineering Statement indicates that the maximum power with an omni-directional antenna would be 30 Kw. Browne Engineering Statement, Appendix C, p.3.

^{23/} Browne Engineering Statement, Appendix C, p.2.

maximum degree of service replication for all initially eligible DTV stations after the transition is complete.

IV. THE POST-TRANSITION DTV CORE SHOULD INCLUDE THE LOWER VHF CHANNELS AND DISPLACED DTV LICENSEES SHOULD BE COMPENSATED FOR THEIR COSTS OF RELOCATION.

The Commission adopted a "core spectrum" approach by which initial DTV channel assignments would be concentrated in the spectrum from Channels 2 to 51, with other channels outside this region being assigned "where necessary."^{24/} The Commission stated that it would consider "retaining" the lower VHF channels (2-6), adjusting the core spectrum to encompass Channels 2-46 at the end of the transition period, if the lower VHF channels prove technically feasible.^{25/} Otherwise, the Commission would establish Channels 7-51 as the post-transition core spectrum.

In its current form, the "core spectrum" approach creates advantages for stations that were assigned DTV channels between 7 and 46. These stations may enjoy significant benefits in economic efficiency and certainty if they opt to retain these channels at the end of the transition, or even if they opt to utilize their former NTSC channels.^{26/} By contrast, stations

^{24/} Sixth Report and Order, ¶ 76.

^{25/} Id. ¶ 83.

^{26/} To minimize the displacement of broadcasters assigned initial DTV channels outside the core spectrum, the Commission decided to allow those broadcasters, wherever feasible, to switch their DTV service to their existing NTSC channels at the end of the transition if they desire to do so and if the station's existing channel falls within the post-transition DTV core spectrum. Fifth Report and Order, ¶ 84.

assigned DTV channels 2 through 6 or DTV channels above Channel 46, not only confront significant uncertainty as to the post-transition DTV channel, but also will suffer considerable economic hardship by having to relocate to a now-unidentified replacement DTV channels at the end of the transition.

Pulitzer's station WYFF, Greenville, South Carolina, which was assigned DTV channel 59, suffers these disadvantages.^{27/}

Early resolution of the post-transition core spectrum would be in the public interest.^{28/} There is no persuasive reason to assume that the lower VHF channels will prove to be technically infeasible for DTV use. Moreover, adoption of a post-transition core including the lower VHF channels would allow more stations with initial DTV channel assignments outside the core to revert to their existing NTSC channels at the end of the transition. This option -- utilizing the former NTSC channel at the end of the transition -- would eliminate the uncertainty and would mitigate somewhat the inconvenience of being displaced at the end of the transition.

^{27/} If the Commission includes the lower VHF channels in the post-transition core spectrum, WYFF would have the option of reverting to its former NTSC channel. However, if the lower VHF channels are not included in the post-transition core, WYFF would be left at risk of not finding a suitable replacement channel with comparable coverage. Under these circumstances, the Commission should provide early assurances that a suitable replacement channel will be assigned.

^{28/} See "Petition for Reconsideration of Decision Regarding Channels 2-6" filed in this proceeding on May 29, 1997 by certain Channel 2-6 Licensees.

Analysis of the Commission's DTV Table of Allotments indicates that more displaced broadcasters will be able to switch their DTV services to existing NTSC stations if the Commission selects Channels 2-46 as the post-transition core spectrum, than if it selects Channels 7-51. Specifically, if the core spectrum encompasses Channels 2-46, 71 displaced stations would be able to switch their DTV services to former NTSC channels in the lower VHF channels (Channels 2-6). In contrast, if the core spectrum includes Channels 7-51, only 12 displaced stations would be able to switch to their former NTSC channels operating on Channels 47 through 51. Accordingly, Pulitzer urges the Commission to adopt a post-transition core spectrum that encompasses Channels 2-46.

To remedy the economic hardship imposed on stations such as WYFF, the Commission's rules should ensure that a displaced station is compensated fully for relocation costs. In a previous phase of this proceeding,^{29/} the Commission "recognize[d] that there are costs associated with moving stations to new channels[]" within the DTV core spectrum, and asked "whether the licensee that bumps the broadcaster should pay to move the broadcaster, as was done in the emerging technologies band for PCS."^{30/} However, the Commission failed to address this issue in either the Fifth Report and Order or the Sixth Report

29/ Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket No. 87-268, FCC 95-315, Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry (released August 9, 1995).

30/ Id. ¶ 60.

and Order, beyond observing that requiring new licensees to compensate broadcasters for the cost of relocating to DTV channels in the core spectrum area "could ... be available to broadcasters at channels 52-59 and 2-6 at a later date."^{31/}

Given the uncertainty over whether and to what extent broadcasters will be compensated for relocation costs, WYFF and other similarly situated stations face the real possibility of bearing the entire costs of both the transition to DTV and the relocation to a second DTV channel at the end of the transition period. Such a result would be inequitable and would impose significant economic hardship.

If the burden of relocating to a second DTV channel must be borne by an arbitrary number of unfortunate broadcasters, the costs of having to do so should not. If relocation is to be mandated by the Commission, Pulitzer requests that the Commission adopt rules on reconsideration ensuring that displaced stations will be fully compensated for all associated relocation costs.

V. THE CHANNEL 8 DTV ALLOTMENT AT GALLUP, NEW MEXICO SHOULD BE CHANGED TO A CHANNEL 8 ALLOTMENT AT FARMINGTON, NEW MEXICO.

Pulitzer is the permittee of KOFT(TV), a new television satellite station currently assigned to Gallup, New Mexico, which is the subject of an application for modification of construction permit to change the community of license to Farmington, New

^{31/} Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket No. 87-268, FCC 96-317, Sixth Further Notice of Proposed Rule Making, ¶ 26 (released August 14, 1996).

Mexico. In a Report and Order released on February 28, 1996, the Commission granted Pulitzer's Petition for Rule Making to amend the Television Table of Allocations ("Television Table") by changing the city of license of Station KOFT(TV), Channel 8, from Gallup to Farmington. However, FCC processing of Pulitzer's application for the construction permit at the Farmington location was delayed pending resolution of a pending Petition for Reconsideration of the Report and Order amending the Television Table.

The new DTV Table based the KOFT(TV) DTV channel assignment on the assumption that it would remain assigned to Gallup. This assumption is incorrect, as indicated above, and Pulitzer hereby requests that the Commission reconsider the Channel 8 DTV allotment to Gallup, and change the DTV Table to assign KOFT(TV) a DTV channel at Farmington. The "Engineering Statement of John F.X. Browne in Support of Petition for Reconsideration KOFT(TV), Gallup, NM," attached hereto as Appendix D, indicates that this change is feasible with de minimis interference to NTSC station KJCT.^{32/} This change, if implemented in the reconsideration phase of the proceeding, would result in greater certainty for all stations and would eliminate the need for a separate Petition for Rulemaking, and the resulting rounds of public comment and a subsequent rulemaking

^{32/} While this relocation would not meet the requirements for a "new" DTV allotment, the Commission should treat this change as an "initial" DTV allotment. As such, the de minimis interference would not be an impediment. See Appendix D, p.1.

proceeding. Moreover, such action would be consistent with the Commission's stated policy of expediting DTV service to the public and easing the administrative burdens on the Commission and broadcasters.

VI. CONCLUSION.

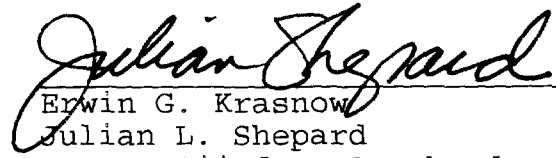
Pulitzer advocates a cautious approach to the implementation of the new DTV Table -- an approach whereby the licensees enjoy maximum flexibility with adequate protections against premature degradation of NTSC service during the transition. At the end of the transition, the rules should permit stations to achieve replication of the NTSC service area, at least to the degree the new DTV Table promises. The post-adoption DTV core spectrum should include the lower VHF channels, and licensees such as WYFF-TV that will be forced to relocate to a different DTV channel at the end of the transition should be fully compensated for their relocation costs. To avoid unnecessary administrative burdens and costs, the Commission should revise the new DTV Table on reconsideration to assign

KOFT(TV) a DTV channel at Farmington, New Mexico. Pulitzer urges the Commission to reconsider and to clarify its rules in the manner requested above, and in the MSTV Petition.

Respectfully submitted,

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APPENDIX A



ENGINEERING STATEMENT

of

John F.X. Browne, P.E.

re

WLKY-TV

Louisville, KY

WLKY-TV operates on UHF channel 32 at Louisville, KY. In its Sixth Report & Order (MM Docket 87-268), the Commission assigned DTV Channel 26 to WLKY. This engineering statement addresses interference issues that are of concern to WLKY-TV.

Interference to NTSC

The WLKY NTSC service area^{1/} will be impacted by interference from DTV stations such that approximately 30% of its service area will be lost to such interference. This interference appears to be principally originating from the following DTV facilities:

<u>Interference Area (sq km)</u>	<u>Station</u>	<u>Channel</u>	<u>Location</u>
2,924	WNDY-DTV	Channel 32	Marion, IN
978	WPSD-DTV	Channel 32	Paducah, KY
442	WKRC-DTV	Channel 31	Cincinnati, OH
<u>338</u>	WSTR-DTV	Channel 33	Cincinnati, OH

4,682 sq km TOTAL

^{1/} As redefined by the FCC in this proceeding.

In addition, WAVE, Louisville, has been assigned Channel 47 at 1,000 kW for DTV service, 15 channels above the WLKY operating NTSC channel. This is predicted to cause an additional 1,282 sq km of interference because the WLKY and WAVE facilities will not be colocated (37 miles apart). This latter interference will occur in the highly populated metropolitan area of Louisville.

The Commission should correct this situation by:

- requiring that WNDY(DTV), WPSD(DTV), WKRC(DTV) andWSTR(DTV) reduce their respective ERP's (at least in each azimuth to WLKY) so as to reduce interference to de minimus levels until the effective end of the NTSC service,
- designate a new DTV channel allotment for WAVE in place of Channel 47, or
- require WAVE to colocate its DTV facility with WLKY.

Conclusion

WLKY-TV would suffer significant interference to its NTSC facilities (totaling nearly 6,000 sq km) from proposed DTV facilities. Much of this interference can be mitigated through temporary power reductions and re-siting of one local DTV facility. The analyses used to arrive at these estimations of interference were based on the best available knowledge and evaluation software given the non-availability of OET-69.